| | Application No. | Applicant(s) |
|---|---|---|
| **Notice of Allowability** | 10/617,491 | CURRY, JOHN W. |
| | Examiner | Art Unit |
| | Elias Desta | 2857 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *amendment filed on May 3, 2005*.

2. ☒ The allowed claim(s) is/are *1-22*.

3. ☒ The drawings filed on *03 May 2005* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All    b) ☐ Some*    c) ☐ None  of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
    Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**
1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2/18/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

## Detailed Action

### Drawing

1.    The Examiner accepts the drawing filed on April 3, 2005.

### Terminal Disclaimer

2.    The terminal disclaimer filed on April 3, 2005 disclaiming the terminal

portion of any patent granted on this application which would extend beyond the

expiration date of any patent granted on application number 10/376,436 has been

reviewed and is accepted.  The terminal disclaimer has been recorded.

### Allowance

3.    *Claims 1-22* are allowed. The following is an examiner's statement of reasons

for allowance:

   *In reference to claims 1, 15 and 19: Knapp, III et al.* (U.S. Patent 6,253,317)

teaches computer-implemented method for diagnosing the performance of a

computer system using a diagnostic application (see *Knapp, III et al.*, Figs. 2, 3 and

column 1, lines 13-28). The method includes:

> ➢ Providing diagnostic application (see *Knapp, III et al.*, Fig. 3);

> ➢ Providing an operating system (OS) kernel, where the diagnostic

>    application being configured to execute under the OS kernel in the

computer system and the OS kernel having a kernel trap arrangement

(see *Knapp, III et al.*, Figs. 4a, 4b and 5);

➢ Providing a diagnostic monitor where the diagnostic monitor being

configured to execute in the OS kernel and the diagnostic monitor

having a user trap arrangement (see *Knapp, III et al.*, Fig. 6, blocks

602, 604 and 606); and

➢ Passing the trap to the operating system kernel for handling (see

*Knapp, III et al.*, column 6, lines 1-17).

Unlike *Knapp, III et al.*, the claimed invention provides a diagnostic monitor

where the diagnostics monitor being configured to execute even if the operating

system kernel fails to execute. Further, the diagnostic monitor includes a monitor

trap arrangement that decides whether a trap encountered during execution of the

diagnostic application is to be handled by the OS kernel or by the diagnostic

monitor.

The remaining claims are dependent upon *claims 1, 15 and 19* and contain

further limitations.

4.    Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

## Conclusion

5.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elias Desta whose telephone number is (571)-272-2214. The examiner can normally be reached on M-Thu (8:30-7:00).
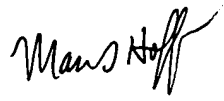
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571)-272-2216. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)-272-1750.

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Elias Desta
Examiner
Art Unit 2857

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-ed

May 25, 2005

MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800